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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,878	06/21/2001	Jae-Wook Lee	678-679 (P9676)	6073
28249	7590	06/17/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			PEREZ, ANGELICA	
		ART UNIT		PAPER NUMBER
				2684

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/886,878	LEE, JAE-WOOK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angelica M. Perez	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 June 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    Paper No(s)/Mail Date. \_\_\_\_\_ .  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_ .                    5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### ***Response to arguments***

1. Applicants arguments filled on 12/22/2004 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance:

(A) "...Mortensen does not teach performing any functions at a power-of-request of a mobile station user..."

The examiner would like to point where the abstract reads: "power level of the transmission is increased and decreased by requests of the mobile station". Where decrease of power can be a request to turn-off the power completely. Further Ericsson teaches column 4, lines 20-25, "use of the phrase "reducing power" (or the equivalent) in this discussion encompasses completely turning off the power as well as simply lowering the power level".

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Mortensen (Mortensen, Ivar; US Patent No.: 6,591,113 B1).

Regarding claims 1, 4 and 9, The prior art shows the following: Mortensen (US Patent No.: 6,591,113) teaches of a power control method for a mobile station in a mobile communication system (column 1, lines 6-13; e.g., "method of operating a cellular communication system...wherein the power level of the transmission is increased and decreased by request of the mobile station"), comprising the steps of: at a request of a mobile station user (column 2, lines 34-36; e.g." the mobile station requests an increase or a decrease of the power levels of the different base stations"), sending a power-down registration request from the mobile station to a base station (column 3, lines 34-36; "the mobile station request an increase or a decrease of the power level of the different base stations...") as many times as a specified maximum attempt sequence until receipt of a response from the base station (column 1, lines 54-62; where the transmission is turned off if the mobile station still requests for further increase/decrease of the power level, after a maximum value has been reached. Also, columns 3 and 4, lines 65-67 and 1-2; where the "BTS is not able to increase the power level" corresponds to a negative response from the base station); and upon failure to receive the response from the base station even after the attempts to send the power-down registration request as many times as the specified maximum attempt

sequence, resending the power-down registration request from the mobile station to the base station as many times as the specified maximum attempt sequence, predetermined retry number (columns 3 and 4, lines 65-67 and 1-14; e.g., "If, after these trails, the mobile station still requests an increase of the power level...turns off the transmission data from the base station BTS to the mobile station MS as this transmission has no sense anymore...the turned-off transmission is started at the point in time at which it was turned off, or the entire turned-off transmission is repeated..."). Moreover, Mortensen further teaches where upon receipt of a response from the base station during the resending, performing power-off of the mobile station (column 1, lines 58-62; where the transmission is turned off when the further increase of power is requested); and upon failure to receive the response from the base station after the resending for the predetermined retry number, performing power-off of the mobile station (column 1, lines 58-62; where there was no response, turned-off, during the first maximum number of tries; column 4, lines 1-14 "...or the entire turned-off transmission is repeated...").

Regarding claim 3, Mortensen teaches all the limitations of claim 1. Mortensen also teaches of performing power-off of the mobile station upon one of the receipt of the response from the base station and resending the request for the specified maximum attempt sequence (columns 3 and 4, lines 65-67 and 1-14; e.g., "If, after these trails, the mobile station still requests an increase of the power level...turns off the transmission data from the base station BTS to the mobile station MS as this transmission has no

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sense anymore...the turned-off transmission is started at the point in time at which it was turned off, or the entire turned-off transmission is repeated...").

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 7-8,10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mortensen in view of (MPEP 2144.03).

Regarding claims 5 and 10, Mortensen teaches all the limitations of claims 4 and 9, respectively.

Mortensen does not specifically teach where the mobile station waits a predetermined wait time before the mobile station resends the power-down registration request as many times as the maximum attempt sequence.

However, Examiner takes "Official Notice" of the fact that predetermined wait time before resending power adjustment commands is well known in the art.

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Mortensen's power-off method with a predetermined wait time in order to check if the command has been received, acknowledged and responded.

Regarding claims 7 and 12, Mortensen teaches all the limitations of claims 4 and 9, respectively.

Mortensen does not teach where the predetermined retry number is one of 2 and 3.

However, Examiner takes "Official Notice" of the fact that predetermined retry number such as one 2 or 3 are well known in the art.

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Mortensen's power-off method with a retry number 2 or 3 as a preference of the designer that falls within a reasonable number of retries.

Regarding claims 8-13, Mortensen teaches all the limitations of claims 5 and 10, respectively.

Mortensen does not teach where the predetermined where the predetermined wait time is one of 1 and 2 seconds.

However, Examiner takes "Official Notice" of the fact that predetermined wait times of 1 or 2 seconds are well known in the art.

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Mortensen's power-off method with a wait times of 1 or 2 seconds as a preference of the designer that falls within a reasonable waiting time.

6. Claims 2, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mortensen in view of Ericsson (Ericsson, Ted; US patent No.: 6,223,047 B1).

Regarding claims 2, 6 and 11, Mortensen teaches all the limitations of claims 1, 4 and 9, respectively.

Mortensen does not teach the step of performing a call processing process upon receipt of an incoming call during the resending step.

In related art concerning extended sleep mode method in an apparatus, Ericsson teaches the step of performing a call processing process upon receipt of an incoming call during the resending step (column 1, lines 15-19; where the system remains in a "stand-by" mode while re-sending and a call can be processed in stand-by mode).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Mortensen's power-off method with Ericsson's stand-by mode in order to listen to the station to determine if it is being called, as taught by Ericsson.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

Angelica Perez  
(Examiner)  
  
NICK CORSARO  
PRIMARY EXAMINER

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May 31, 2005